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10-3-02
P.2.

PATENT
Docket No. 11221/5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors : WALLACK, et al.

Serial No. : 09/691,504

Filed : October 18, 2000

For : MELANOMA VACCINE AND METHODS OF MAKING
AND USING SAME

Group Art Unit : 1632

Examiner : Anne Marie S. Wehbé

I hereby certify that this correspondence is being deposited with the
United States Postal Service as first class mail in an envelope
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on

Date 9/26/02

Signature

Athena Edmund
KENYON & KENYON

ASSISTANT COMMISSIONER
FOR PATENTS
Washington, DC 20231

SUPPLEMENTAL RESPONSE TO RESTRICTION REQUIREMENT

SIR:

This is in response to the Office Communication dated August 27, 2002, which set a one-month period for response expiring on September 27, 2002.

It is believed that no extension of time is required in connection with this response.

However, the Commissioner is hereby authorized to charge any necessary fee, or to credit any overpayment, to Kenyon & Kenyon's Deposit Account No. 11-0600.

The Office Action stated that while the applicant elected Group II, claims 18-38, and 55-107, with traverse, in the response filed on June 6, 2002 to the Group Restriction requirement under 25 U.S.C. §121, a **Species Restriction** is required under 35 U.S.C. §121 to a specifically named first immunostimulatory molecule for Group II, as listed in claims 18-

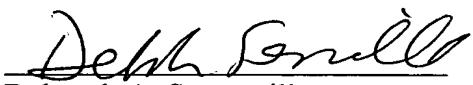
38, and 55-107. For continued prosecution in this application, Applicants hereby elect, with traverse, IL-2. Accordingly, Applicants elect claims 18-22, 28-38, 55-63, 70-95, and 102-107, which are generic claims, and claims 23, 64, and 96, which are expressly directed to the use of IL-2.

The Office Action also stated that **Species Restriction** is required under 35 U.S.C. §121 to a specifically named second immunostimulatory molecule for Group II, as listed in claims 18-38, and 55-107. For continued prosecution in this application, Applicants hereby elect, with traverse, IL-2. Accordingly, Applicants elect claims 18-22, 28-38, 55-63, 70-95, and 102-107, which are generic claims, and claims 26, 67, and 99, which are expressly directed to the use of IL-2.

Applicants retain the right to file a divisional application(s) directed to subject matter of the claims of non-elected groups and species.

Respectfully submitted,

Date: 9/26/02


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